IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of	MAIL STOP AF
Glenn Ferguson et al.	Group Art Unit: 2128
Application No.: 09/766,652	Examiner: FERRIS III, FRED O
Filed: January 23, 2001	Confirmation No.: 4298
For: DATA MODEL FOR AUTOMATED SERVER CONFIGURATION	

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants request review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a Notice of Appeal.

Applicants respectfully submit that the final Office Action does not provide an adequate showing that every *claimed* element is taught by the references, as required by M.P.E.P. 2143.03

Brief Summary of the Invention

The application discloses, in general, a data model that represents the relationships of various entities that constitute a computer network. One of the applications of such a data model is in the context of a managed services provider, which is responsible for provisioning and maintaining servers and other network devices that implement the websites of multiple customers. See, for example, the specification at page 3, line 1 to page 4, line 17.

A high-level overview of such a data model is illustrated in Figure 11 of the application. Generally speaking, the data model constitutes a schema for storing different types of data in a manner that facilitates their retrieval to support a particular function. In the context of the present invention, the data model stores information pertaining to a number of

different entities in the network, and their relationships to one another. The claims of the present application are particularly directed to the queues entity 114, which is illustrated in greater detail in Figure 18 of the application. In the context of the disclosed system, the provisioning and maintenance of servers is carried out through agents that are resident on the respective devices. The tasks to be performed by the agents are handled by means of queues respectively associated with the agents. The schema for maintaining information relating to these queues forms the portion of the data model illustrated in Figure 18.

As illustrated in the Figure, the data model comprises a number of entities 1802-1814. Each of these entities can be implemented as a table in a database, examples of which are disclosed on pages 100-106 of the application. At least some of the tables are related to one another, for example, in a many-to-one manner.

Reasons for Request

The claims recite a data model that comprises a plurality of each of a number of different types of entities. For example, claim 1 recites that the data model comprises a plurality of agent queues entities (1802), agent queues commands entities (1804), agent command output entities (1806) and agent commands entities (1808). The final Office Action relies upon the Bowman-Amuah patent (US 6,345,239) as the primary reference, and alleges that it discloses most of the elements recited in the claim.

However, the final Office Action has not shown that this primary reference discloses a *data model* that is comprised of the combination of entities recited in the claim. As pointed out in Applicants' response filed December 22, 2004, the Bowman-Amuah patent is concerned with the demonstration of business capabilities in an e-commerce environment. Note, in particular, the paragraph bridging pages 2 and 3 of the response, as well as the first full paragraph on page 3.

With reference to the first element recited in claim 1, namely "a plurality of agent queues entities that represent a list of tasks to be performed by the intelligent agents on a

computer network," the final Office Action refers to the Bowman-Amuah patent at column 11, lines 49-65; column 69, line 55; column 73, line 65; and Figures 22-35. However, none of these cited portions of the patent discloses a plurality of agent queues entities that form a component of a data model. For instance, column 11, lines 49-65 describes how a communication session is conducted between two parties. This section of the patent was apparently cited for its recitation of a "sequence of required tasks." However, this disclosure has nothing to do with a data model, let alone agent queues entities that form a component of a data model. Rather, it is describing the actual physical process that is used to convey data between the two entities.

The next portion of the patent referenced in the rejection, namely column 69, line 55, was apparently cited because it also mentions "tasks." Again, however, this disclosure has nothing to do with a data model, nor the particular entities that make up a data model. Rather, it relates to the network management *process* that is illustrated in Figure 24.

Similarly, the last referenced portion of the patent, column 73, line 65, has nothing to do with a data model that represents command queues in a network system.

The foregoing discussion of the first element of claim 1 is illustrative of the deficiencies in the final rejection of the claims. Reference is made to Applicants' previous response, particularly the latter half of page 3, and page 4, for additional discussion of the differences between the claim and the reference.

In summary, the rejection of the claims relies upon isolated portions of the reference that contain terminology analogous to that appearing in the claims. However, the *teaching* of the reference, in so far as that terminology is concerned, is entirely different from the subject matter recited in the claims. This is perhaps best exemplified by the discussion of the word "entity." In the context of the claims, entities are components of the data model that contain specific types of information relating to the command queues. For example, the agent queues entities represent a list of tasks to be performed by the intelligent agents. The agent

queues commands entities relate the agent queues entities with specific agent commands and agent command outputs. In responding to Applicants' previous arguments that the Bowman-Amuah patent does not disclose entities of this nature, the final Office Action states that the patent "teaches an entity as a network resource (column 40, line 26) as does the claimed invention." (Emphasis in original). However, the referenced portion of the patent does not disclose that an entity is a network resource. Rather, it states that "A network customer is an entity that leases network resources." This disclosure has absolutely nothing to do with the types of entities that are recited in the claim. It is directed to an entirely different concept, which is consistent with the e-commerce environment to which the patent is directed.

The final Office Action does not demonstrate that the Bowman-Amuah patent discloses a *data model* that is comprised of the combinations of entities, each containing data relating to an aspect of command queues, as recited in the claims. At best, the final Office Action only shows that the Bowman-Amuah patent contains some of the same terms as the claims, but it does not show that those terms are being used in the same manner as in the claims. As such, the final Office Action does not provide an adequate record to justify going forward with the Appeal. The current rejection of claims 1, 4, 6 and 9-11 should be withdrawn.

Respectfully submitted,

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Date: October 5, 2005

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